

FILED



11:31 am, 9/9/21

Margaret Botkins
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MADELINE S. CASEY,

Defendant.

Case No. 21-PO-511-F-1

ORDER REGARDING DEFENDANT'S APPEAL OF MAGISTRATE DECISION
AND MOTION TO CORRECT, AMEND OR VACATE JUDGMENT

Defendant Madeline S. Casey filed her notice of appeal on August 31, 2021. ECF No. 19. Defendant appeals from Magistrate Judge Mark L. Carman's judgment entered on August 27, 2021 after Defendant pled guilty.

The day after filing the notice of appeal, Defendant filed a motion to correct, amend or vacate her sentence citing 28 U.S.C. § 2255 and Federal Rule of Criminal Procedure 35(a). ECF No. 21. On September 8, 2021, the government filed a response to the motion and requests therein that the Court reverse and remand the conviction to the magistrate judge for new proceedings. The government states that Defendant opposes the request to remand.

Motions under both Section 2255 and Rule 35(a) are directed to the sentencing court. As Magistrate Judge Mark L. Carman is the sentencing judge, he will decide

Defendant's present motion. An express designation is probably unnecessary, but the Court hereby designates Magistrate Judge Carman to do so. Local Criminal Rule 59.1(b)(4); 28 U.S.C. § 636(b)(1)(B).

Given the parties' respective positions stated in the motion and response, the Court deems the most efficient course is to await the magistrate judge's decision on Defendant's present motion before setting a briefing schedule on the appeal. Should either party disagree with this course of action, they should confer and promptly file a motion for scheduling order.

DATED this 9th day of September, 2021.

A handwritten signature in black ink, reading "Nancy D. Freudenthal". The signature is written in a cursive, flowing style.

NANCY D. FREUDENTHAL
UNITED STATES DISTRICT JUDGE